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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,748	08/19/2003	Joel D. Oxman	58614US002	4133
32692	7590	06/03/2009		
3M INNOVATIVE PROPERTIES COMPANY				
PO BOX 33427				
ST. PAUL, MN 55133-3427				
EXAMINER				
WILSON, JOHN J				
ART UNIT		PAPER NUMBER		
3732				
NOTIFICATION DATE		DELIVERY MODE		
06/03/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* Joel D. Oxman, Naimul Karim, and Steven C. Keck

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Application No. 10/643,748  
Technology Center 3700

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Mailed: June 3, 2009

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Before Deborah Perry, *Supervisory Paralegal Specialist, Review Team.*  
Perry, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 4, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S ANSWER, GROUNDS OF REJECTION**

A review of the file indicates that the Examiner's Answer filed September 2, 2008, does not comply with the guidelines provided in MPEP § 1207.02 because it refers, either directly or indirectly, to a prior Office action without fully restating the point relied upon in the answer. Examiner fails to include all rejected Claims under the "Grounds of Rejection" section in the Examiner's Answer. The following claims are not included and need to be addressed under the "Grounds of Rejection" section of the Examiner's Answer: Claim 67 under 35 U.S.C. 103(a), Claims 65, 66 and 68-71 under 35 U.S.C. 103(a), and Claims 65-71 Neustadter (3565387). If there is a complete and thorough development of the issues in a prior action, the examiner may copy any referenced prior rejection(s) from the prior Office action into the examiner's answer. The examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the brief, and should expressly withdraw any rejections not adhered to in the "Grounds of Rejection Withdrawn" section of the examiner's answer.

Therefore, a substitute examiner's answer which fully restates any prior points relied upon in the answer, is required. *See also Manual of Patent Examining Procedure (MPEP) § 1207.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.*

**CONCLUSION**

Accordingly, it is ORDERED

- 1) to vacate the Examiner's Answer mailed September 2, 2008;
- 2) to generate a new Examiner's Answer which does not refer directly or indirectly to a prior Office action without fully restating the point relied on in the answer; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/alw

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